

**BOARD OF SELECTMEN MEETING  
MONDAY, JANUARY 11, 2016  
6:30PM AT TOWN OFFICE BUILDING  
240 SPRINGFIELD STREET, WILBRAHAM, MA  
MINUTES**

**PRESENT:** Chairman Robert J. Boilard (presiding); Selectmen Susan C. Bunnell and Robert W. Russell; Town Administrator Nick Breault and Candace Ouillette Gaumond, Administrative Assistant to the TA/BOS.

**EXECUTIVE SESSION**

To Discuss Strategies with Respect to Non-Union Negotiations and Collective Bargaining

Chairman Boilard opened the meeting and called for a motion to go into Executive Session. A motion was made.

**MOTION: Made (Bunnell) and seconded (Russell) to go into Executive Session, to discuss strategies with respect to non-union negotiations and collective bargaining; and upon conclusion, return to general session; and upon conclusion return to General Session. Approved by each Selectman voting affirmatively in a roll call vote; (Boilard, yes; Bunnell, yes, and Russell, yes.) Approved 3-0.**

**PLEDGE OF ALLEGIANCE**

Chairman Boilard opened the meeting and asked all to join the Selectmen in saying the Pledge of Allegiance. Following the Pledge of Allegiance, Chairman Boilard announced, in accordance with Mass. General Law Chapter 30(A), section 20 (e), that the Selectmen's meeting was being recorded by Wilbraham Public Access. He then asked if there was anyone present in the audience, who was also recording the meeting tonight. No one voiced that they were recording the meeting. Chairman Boilard asked that the minutes reflect as such.

**APPOINTMENTS WITH THE BOARD**

Candidate (Ron Dobosz) Interview for the Open Space and Recreation Committee

Chairman Boilard asked Mr. Dobosz to introduce himself. Mr. Dobosz gave an overview of his personal and professional background. Currently, Mr. Dobosz works as the Town's Parks and Recreation Department Foreman. He informed that he enjoys open space. He would like to contribute to the community. Whereas his expertise and interest are in the area of open space and recreation, he thought he could help out on the Open Space and Recreation Committee. Mr. Dobosz felt the Committee would be a good fit for him. He expressed being really excited to help out any way he can on the Open Space and Recreation Committee.

Chairman Boilard asked if there were any questions. Selectman Russell agreed that the Open Space and Recreation Committee seemed like a perfect fit for Mr. Dobosz. Selectman Bunnell asked Mr. Dobosz if he had attended any of the Open Space and Recreation Committee meetings. Mr. Dobosz stated no, but informed that he would be attending the Committee's meeting scheduled for January 26, 2016.

**MOTION: Made (Bunnell) and seconded (Russell) to appoint Ronald P. Dobosz to the Open Space and Recreation Committee for three-year term, ending June 30, 2018. Approved 3-0.**

*Materials Referenced: R. Dobosz's Resume and Board and Committee Experience, received January 7, 2016, submitted by R. Dobosz, candidate.*

Application for Temporary Food Establishment Permit – Brownie Troop 64587

Jennifer Powell, Troop Leader and parent, and members of Brownie Troop 64587 joined the Selectmen at the front of the room. The Brownies informed the Selectmen that there are eleven girls in their Troop. However, not all the girls were present.

Ms. Powell advised the Selectmen that the Brownie Troop would like to use a 1961 Shasta Trailer to sell the Girl Scout cookies out of from January 12, 2016 until March 9, 2016. She informed that the trailer would only be accessible to volunteers and would serve as the hub for the Brownie's cookie sale. She also stated that the Brownie Troop would like to locate the trailer in a safe location in Town; and possibly move the trailer to different locations in Town. Ms. Powell advised that they would like to locate the trailer in the lot, next to the Fire Station on Boston Road, where the proposed Police Station will be built. She explained that this would be an ideal location because it's safe; whereas, it's right next to the Fire Station. She also mentioned that the location offers an area for parking and is next to rest rooms located at the gas station, adjacent to the lot.

Ms. Powell outlined how the cookie sales aid in building relevant workforce skills (i.e. customer service, accounting) to the girls in the Troop. She then informed that the Brownies were also present tonight for a civics lesson. Each one of the girls, present representing their Troop, shared how they would propose a solution; what they will learn by selling cookies, who they would like to help out with the monies earned by selling cookies and also advocated for the mobile unit referred to as the "cookie clubhouse."

Chairman Boilard informed the Brownie Troop that the Selectmen must abide by the Town's bylaws. He recalled that years ago a Zoning Bylaw was voted by the Town's people to not allow people to travel and sell food out of trailers. He stated that the Town gets

request every year for a permit to sell food out of a mobile unit. Each applicant is turned down. Chairman Boilard commented that it breaks his heart to not approve the Brownie Troop's application; however, if the Selectmen approve their application then it will create a problem later on. He emphasized that the Selectmen have to abide by the laws written. He explained that the Town's residents/voters are the legislative body. It is the residents/voters who really run the Town and put such rules in place.

The Brownies thanked the Selectmen for their time.

*Materials Referenced: Application for Temporary Food Establishment Permit, received January 6, 2016, from J. Powell, Troop Leader, Brownie Troop 64587; Email, dated December 15, 2015, from J. Powell, relative to a request to meet with the Board of Selectmen, Memo, dated January 8, 2016, received by L. McCool, Health Inspector, relative to Brownie Troop 64587 Mobile Unit, and Copy of Wilbraham Zoning Bylaw, Section 3: Use Regulation.*

## **OPEN SESSION**

### **Town Administrator's Report**

Town Administrator Breault reported that the Finance Committee scheduled a meeting for January 27, 2016. The Superintendent of the Hampden-Wilbraham Regional School District (HWRSD) will be attendance. He then asked if the Board would also like to attend the meeting. The Selectmen agreed.

Town Administrator Breault asked the Selectmen as to what level of involvement the Board would like relative to the FY 2017 budget, particularly when there are additional personnel requests from Department Heads. He clarified that if a Department Head requested an additional personal for FY 2017; does the Board want to meet with that Department Head. Chairman Boilard stated that the Selectmen would be willing to sit with Department Heads. However, he has no appetite for increase hiring. Selectman Russell agreed with Chairman Boilard. He also indicated that he is comfortable with the Finance Committee handling the budgetary process. Selectman Bunnell stated that the Finance Committee should take the lead with the budget process. She suggested scheduling a joint meeting with the Finance Committee midway through the process. Town Administrator Breault informed that he will present the budget to the Selectmen on January 25, 2016; and then forward the proposed FY 2017 budget to the Finance Committee.

Town Administrator Breault discussed issues relative to leave time payouts due at an employee's retirement, which involve police overtime costs to cover the vacancy gap from when a retiree leaves until a person is hired to fill the vacant position. He explained the process of prospective retirees giving notice prior to March 1 so that retirement payouts can be budgeted for the upcoming fiscal year. For instance, when a retirement notice is given prior to March 1, the retirees' sick leave is accounted for during the budget development process. Town Administrator Breault asked the Selectmen if they would consider also setting aside funds in the budget that cover other portions of a retiree's payout such as vacation and paid leave. He explained that one of the factors that delay a hire of a new employee in a vacant position result from covering the cost of the retirement payout related to vacation and paid leave. The position is not filled until the costs of the vacation and paid leave are offset. For instance, in the case of a police officer retiring, the situation creates a delay in hire and overtime charges to cover the vacant shift; thus, generating a budgetary issue. Town Administrator Breault warned that this situation could apply to any other Department.

He then asked the Selectmen if they wanted to include monies in the budget for this purpose for all Departments or only select Departments. Discussion ensued. Selectman Bunnell questioned what the legitimate place for such funds to be placed. Should the funds be placed in the salary pool or a Department budget? She questioned if it is possible to set up a fund in the budget to be utilized Town-wide so as to create an opportunity to have funds available in such situations. Selectman Bunnell asked to view a list of retiree payouts in the last couple of years. Selectman Russell did not think such a list would provide a good view of the situation. Chairman Boilard asked about the proposed dollar amounts for such fund. Town Administrator Breault did not have the figure amounts available but offered to give it to the Board. Selectman Russell recommended establishing a fund on a year to year basis.

Town Administrator Breault announced that the Police Station Building Committee will be at the Selectmen's meeting on January 25, 2016, to provide an update to the Board. Bids submitted by General Contractors for the Police Station Building project will be coming into Town Hall on Wednesday for the General Contractor bid opening.

### **Board of Selectmen Updates**

Selectman Bunnell notified the Selectmen that Ed Miga, Town Engineer/Director of Department of Public Works (DPW), requested one-time permission to allow DPW employees to take the small logs from the leftover brush and tree removal at Bruer Pond to use for firewood. Chairman Boilard verbalized that he had no problem with that request. Selectman Bunnell stated that Director Miga is looking to develop a policy for such situations. All the Selectmen agreed to permit the request. Town Administrator Breault suggested that there be approval for disposition of surplus property on this matter. Administrative Assistant Gaumond suggested putting the matter on the Selectmen's agenda for their January 25, 2016 meeting. All agreed.

### **Citizens Open Forum**

Chairman Boilard opened the *Citizen Open Forum* segment of the Board's meeting. David Sanders, resident and Planning Board member, asked for an update on the Abandoned Property Program the Town is participating in with the Attorney General's Office. Chairman Boilard responded. Town Administrator Breault informed that a representative from the Attorney General's Office met with Town employees near the end of November, 2015. There has been no movement since. There was no further update to provide to Mr. Sanders at this time.

Mr. Sanders inquired about the Committee training for the website, etc. He commented that the Committees appear to be doing a better job of getting minutes up on the Town's website. Administrative Assistant Gaumond reported that the training has not occurred; however, the Selectmen's Office is active in getting information out to the Chairmen of the Committees, Boards and Commissions.

Beverly Litchfield, Town Clerk and resident, also shared that the process for uploading minutes to the website has changed. She explained that the minutes and agendas now come to the Town Clerk's Office via email to ensure that the agenda is posted within the required forty-eight hours timeframe. The Town Clerk's Office then forwards minutes and agendas to the IT Department for posting on the Town's website. She encouraged Town Committees, Boards and Commissions to send in their minutes via this method so that their minutes can also be filed with the Town Clerk's Office as required by law.

## **OLD BUSINESS**

### By-Law Proposals:

- Combine Water And Sewer

Chairman Boilard announced that the Auditors' Report recommended combining the Water and Sewer Commissions to form one Commission/Department. Town Administrator Breault reported that it can be done. According to Town Administrator Breault, Town Counsel researched the matter and agreed it can be done. However, it will take a unique process because the Sewer Commission was created under a Special Legislative Act. In order to combine the two Commissions, it would require a Home Rule Petition to be passed at Town Meeting and then the State Legislature would have to vote on the matter. It would also involve the Town of Ludlow and City of Springfield conducting similar processes. If the Selectmen would like to move forward, Town Counsel is willing to delve further into this matter. Chairman Boilard verbalized that it seemed there is a lot of moving parts to change something that currently is working. Selectman Bunnell voiced concern about the potential of this change costing the Town a lot in legal fees; and not really worth the legal expense. Town Administrator Breault inquired if the Board wanted to table the matter for the time being. The Selectmen agreed.

- Change Clerk's Position To Appointed

Chairman Boilard asked what the process was to alter the Town Clerk's position from elected to appointed. Town Administrator Breault stated that it would require a bylaw change, which involves approval at Town Meeting and then majority vote by registered voters in Wilbraham. Chairman Boilard voiced his position on this matter. He pointed out that a lot of communities have an appointed Town Clerk position as opposed to elected. He further stated that there are pros and cons to having an appointed or elected Town Clerk, either way. Chairman Boilard said that if the position is appointed then the Town has more control in the Office. He then asked Town Clerk Litchfield, who was sitting in the audience, how many hours, by law, is she required to work in the Town Clerk's Office. Town Clerk Litchfield stated that there is no requirement as to how many hours. However, she pointed out that if an elected Town Clerk does not work hours in the Office then that person will not be re-elected to the position. Chairman Boilard expressed that there is a risk to the Town if someone who does not have the credentials or ability to do the job gets elected to the position. He emphasized his concern about not having someone like Town Clerk Litchfield, who is skilled, credentialed and experienced, being elected to the seat in the future.

Town Clerk Litchfield advised that there are two hundred and forty-four communities in Massachusetts who do not have appointed Town Clerks. She felt that an elected Town Clerk does keep control of the Town Clerk's Office because an elected Town Clerk maintains neutrality in elections and day-to-day operations of the Town Clerk's Office. Town Clerk Litchfield stated that her main concern about having an appointed Town Clerk is the following: the Town may not have someone who is neutral; the Town Clerk's supervisor would not be the Wilbraham voters, and the person in the position may not be from or live in Wilbraham. Town Clerk Litchfield advised that there are many qualified people in Town who could be elected to the Town Clerk position. She also mentioned that the State would come out to Wilbraham to provide training if need be to a newly elected Town Clerk. Chairman Boilard responded with countering the points Town Clerk Litchfield made.

Town Clerk Litchfield pointed out that an appointed Town Clerk will require a set schedule. She stated that the Town Clerk is not a forty hour a week job. There is no set schedule. Chairman Boilard countered that the schedule is part of employment negotiations. He acknowledged that there are pros and cons to both sides of the argument. Mr. Sanders mentioned the Bylaw Study Committee is currently discussing a proposed bylaw that allows for recall of an elected or appointed position.

Selectman Bunnell commented that it would seem to be difficult to be neutral whereas a candidate has to run for election. Selectman Bunnell explained her point; and agreed with Chairman Boilard's opinion, especially the merit of paying someone who is unqualified for the position at the current salary rate. She further explained her reasoning. Town Clerk Litchfield offered her proposal about establishing a pay scale for the Town Clerk's Office.

Selectman Russell commented that there are no prerequisites to run for the Office of Town Clerk. He then asked Town Clerk Litchfield to describe what the State offers for training. Town Clerk Litchfield explained what is offered and then highlighted how she became trained in the position. She also mentioned that the Town Clerk is governed by statute. As a result, there is always someone

at the State level who can assist. She remarked that the Massachusetts Town Clerk Association also provides mentors to new Town Clerks. Discussion followed.

Chairman Boilard questioned why the Town wouldn't want to have the best Town Clerk possible instead of having to wait six months for the elected person to receive training to do the job. Town Clerk Litchfield commented that it took her six to eight years to get her current Town Clerk certifications.

Selectman Bunnell asked Town Clerk Litchfield if she preferred an elected Town Clerk, who is under qualified for the position. Town Clerk Litchfield responded affirmatively; and stated that an elected official has to be accountable to the Wilbraham voters. She further added that if a person is running for the seat of Town Clerk, he/she must know that this is a working position.

Chairman Boilard asked Town Clerk Litchfield if she understood where the Board of Selectmen is coming from on this matter. Town Clerk Litchfield stated yes. Chairman Boilard advised that the Board of Selectmen also understand where she is coming from on this issue, too.

Mr. Sanders asked if the Board of Selectmen would move forward with the bylaw change or would like the Bylaw Study Committee to review the matter. Chairman Boilard expressed curiosity as to what the Bylaw Study Committee's opinion on the matter is. For this reason, the matter was tabled until the Board of Selectmen receives a response from the Bylaw Study Committee.

#### Budget Related Matter: Planning For Retirement Payouts

This matter was tabled until the Selectmen receive more information relative to the retirement payouts. (See above discussion during the *Town Administrator's Report*.)

#### Discussion regarding Middle School Unification

Selectman Russell shared his observations from the Middle School Unification Public Information Session held the other night. He was very impressed by the people who attended the session, particularly the biggest stakeholders, who were the parents. He also commented how the parents of the children enrolled at Thorton Burgess Middle School were originally, solidly, against the idea of middle school unification but are now unanimously in favor of it. He further remarked on the educational disparity at the middle school level. He also mentioned that there are economic issues in the School District, etc., which if the unification moves forward, will provide large fiscal savings to the District and communities. Selectman Russell verbalized his interest in realizing any fiscal savings. He acknowledged that this is a complicated issue to sort out; however, none of the issues are unsurmountable. He hopes that all the people who have a stake in the Hampden Wilbraham Regional School District (HWRSD) Regional Agreement can see the wisdom in unification; and come to the same conclusion as the Middle School Taskforce. He emphasized the current costs of the middle school level and how the unification would provide the educational product at a lower expense. It would affect property values by a \$1,200,000 in savings and provide a means to the betterment of the middle school experience. He praised the Middle School Taskforce and the work they have accomplished.

Selectman Bunnell commented about having occasions to convey information about demographics, buildings and educational opportunities at the middle school level and the costs of running two middle school buildings. She further added that there is a duplication of teaching given the combined size of the middle school population. Selectman Bunnell informed that the Middle School Taskforce will be meeting at Minnechaug Regional High School, Information and Research Common (Library) on Wednesday. According to Selectmen Bunnell, there are surveys still available online on the HWRSD, Town of Wilbraham and Town of Hampden websites as well as paper copies of the survey at Wilbraham and Hampden Town Halls, Public Libraries and high traffic locations in the both Towns.

Chairman Boilard touted the turnout to, and questions asked at, the Public Information Session as fabulous. His only criticism was that, with all the data and information compiled, there seemed to be no alternative "Option B or C" to address the problem. He explained that people need to be aware of what happens if the Middle School Unification does not get voted through by both communities. He also wondered if there are consequences of breaking up the HWRSD Regional Agreement. Chairman Boilard also expressed his concern relative to a senior citizen's discussion at the Information Session about property taxes. Selectman Bunnell stated that the unification will result in savings. She elaborated that unification is not the same decision as building a new school. It's a way to maintain the biggest part of the Town's budget. Chairman Boilard, again, questioned if the consequences should have also been presented at the Session. He, again, asked what happens if the communities vote against unification. Selectman Bunnell mentioned that if the HWRSD Regional Agreement is modified to reflect unification at the sixth grade level, there will be a time limit of five years to reassess the situation. Discussion ensued.

Chairman Boilard announced that there are rumors about a building a new middle school. He informed the audience and viewers that the rumors are not true.

## NEW BUSINESS

### Establish Annual Town Meeting Date

Chairman Boilard asked if the Selectmen were comfortable with the date of May 16, 2016 for the Annual Town Meeting. All agreed.

**MOTION: Made (Bunnell) and seconded (Russell) to schedule the Annual Town Meeting on May 16, 2016. Approved 3-0.**

### Sewer Abatements

Chairman Boilard asked if there were any questions. No questions were offered.

**MOTION: Made (Bunnell) and seconded (Russell) to approve Sewer Abatements, totaling \$134.52, as listed in a memo, dated January 11, 2016, from E. Miga, Town Engineer/ Director of DPW. Approved 3-0.**

*Materials Referenced: Memo, received January 11, 2016, from E. Miga, Jr., Town Engineer/Director of DPW, relative to sewer abatements.*

### Acceptance of Retirement of Water Superintendent

#### Authorization to Hire Water Superintendent

A motion was made.

**MOTION: Made (Bunnell) and seconded (Russell) to accept the retirement of Michael Framarin, effective between September 1, 2016 to November 1, 2016, with specific date to be determined within said timeframe; and to authorize the replacement hire of a full time Water Superintendent effective immediately. Approved 3-0.**

*Materials Referenced: Letter of Retirement Notice, received January 5, 2016, from M. Framarin, Water Superintendent.*

### Correction of Indemnifications

Chairman Boilard asked if there were any questions. Hearing none, a motion was made.

**MOTION: Made (Bunnell) and seconded (Russell) to rescind the indemnification under MGL Chapter 41 Section 111F of 20 hours for Private Adam Hart, of 45 hours for Private Mathew Walch, and of 44 hours for Private Paul Budaj, related to their injury-on-duty of August 5, 2015. Approved 3-0.**

*Materials Referenced: Memo, dated December 31, 2015, from H. Dane, Human Resource Coordinator, regarding wrongful indemnifications of Firefighters/EMTs.*

### Approval of MEMA Grant Award

#### Hunting Lane Drainage Improvement Project

#### Approval of Hazardous Mitigation Grants

Chairman Boilard asked if there were any questions. No questions were offered.

**MOTION: Made (Bunnell) and seconded (Russell) to accept and approve the Hazardous Mitigation Grant in the amount of \$206,720.00, and related contract between the Massachusetts Emergency Management Agency and the Town of Wilbraham, for the purchase and installation of two natural gas powered generators at the water pumping stations located at 16V Brookmont Drive and 11V McIntosh; and authorize the Chairman to sign related contractual documents on behalf of the Board; and also authorize the Town Engineer/Director of DPW, or his designee, to sign and/or process other documents related to said grant. Approved 3-0.**

**MOTION: Made (Bunnell) and seconded (Russell) to accept and approve the Hazardous Mitigation Grant in the amount of \$696,542.00, and related contract between the Massachusetts Emergency Management Agency and the Town of Wilbraham, for drainage improvements on Woodland Dell, Main Street and Hunting Lane; and authorize the Chairman to sign related contractual documents on behalf of the Board; and also authorize the Town Engineer/Director of DPW, or his designee, to sign and/or process other documents related to said grant. Approved 3-0.**

*Materials Referenced: Memo, dated December 16, 2015, from E. Miga, Jr., Town Engineer/Director of DPW, regarding Hazardous Mitigation Grants; letter, dated December 24, 2015, from S. White, Hazardous Mitigation Grants Supervisor, Massachusetts Emergency Management Agency, relative to Hazardous Mitigation Grant Program, HMGP 4051-60 Main Street Flood Mitigation Project, including two Contractor Authorization Signatory Listings forms and Standard Contract forms.*

## LICENSING AND OTHER APPROVALS

### Reconsideration of CIMA Restaurant Corp's Application for Transfer of Liquor License

Administrative Assistant Gaumond explained that the Alcoholic Beverages Control Commission (ABCC) returned CIMA Restaurant Corp's application for a liquor license transfer because further information was required about the Corporation's lender. The way the loan agreement between the CIMA Restaurant Corp and the lender was constructed was deemed by ABCC as giving the lender an indirect benefit from the liquor license. All parties worked together to supply the requested paperwork and information for the ABCC. All the paperwork is set to be forwarded to the ABCC. However, the Board of Selectmen must approve the application for

reconsideration prior to resubmitting the application to the ABCC. Chairman Boilard asked if there were any questions. Hearing none, a motion was made.

**MOTION: Made (Bunnell) and seconded (Russell) to approve the reconsideration to amend a Section 12 Annual All-Alcohol Service License for Melikian, Inc. dba Horizon Restaurant, 2200 Boston Road, to reflect a transfer of license to CIMA Restaurant Corp. dba CIMA, Italian Restaurant and Chop House; and a change of manager from Mark Melikian to Anthony DiMaio; and to resubmit the requested, additional, application documents to the Alcohol Beverages Control Commission for reconsideration, review and approval. Approved 3-0.**

*Materials Referenced: Recommendation of the Investigator form, received December 10, 2015, from ABCC; returned Form 43; and Updated Form 43 for Reconsideration and accompanying, ABCC requested documents.*

#### **MINUTES OF MEETINGS**

- June 29, 2015
- July 13, 2015 executive session
- ~~July 27, 2015 executive session~~
- ~~September 23, 2015 executive session~~
- ~~October 13, 2015 executive session~~
- ~~November 5, 2015 executive session~~
- ~~December 7, 2015 executive session~~
- January 4, 2016

Chairman Boilard asked if there were any changes to the minutes of June 29, 2015, January 4, 2016 or the Executive Session minutes of July 13, 2015. None were offered.

**MOTION: Made (Bunnell) and seconded (Russell) to approve the minutes of June 29, 2015, and January 4, 2016; and executive session minutes of July 13, 2015 as submitted. Approved 3-0.**

*Materials Referenced: Draft minutes of June 29, 2015 and January 4, 2016; and draft Executive Session minutes of July 13, 2105 as submitted by C. O. Gaumond, Administrative Assistant to the TA/BOS.*

Having no further business, the Board of Selectmen adjourned at 8:28pm.



Candace Ouillette Gaumond  
Administrative Assistant to the TA/BOS



Robert J. Boilard, Chairman



Susan C. Bunnell, Vice Chairman



Robert W. Russell, Clerk